

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WENDY STARLAND,

Plaintiff,

v.

ROB FUSARI, ET AL.,

Defendants.

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Civil Action No. 10-4930 (JLL)

ORDER

This matter having come before the Court by the October 18, 2012, letter from defendants regarding the sealing of filings in this matter;

and the Court having reviewed the letter;

and it appearing from the letter that defendants seek an advisory opinion on the propriety of sealing materials in this matter, and guidance on the correct process for sealing materials in this Court;¹

and it being well established that this Court cannot constitutionally issue an advisory opinion, see U.S. Const., Art. III, § 2; see also Rhone-Poulenc Surftants & Specialties L.P. v. IRS, 249 F.3d 175, 181-82 (3d Cir. 2001); Coffin v. Malvern Fed. Sav. Bank, 90 F.3d 851, 853 (3d Cir. 1996);

and Local Civil Rule 5.3 and its Explanatory Notes setting forth the proper procedure for a party to follow when seeking to file documents under seal;

¹ Defendants request the Court to “advise as soon as possible whether moving to seal confidential materials is necessary and/or likely to be granted.” Oct. 18, 2012, Letter, ECF No. 185, at 2. Defendants also ask “for insight into whether or not such Motion can realistically be revised to meet with the Court’s satisfaction.” Id.

and the Court, in denying defendants' motion to seal without prejudice, having explained in detail the protocol under L. Civ. R. 5.3 and the deficiencies in defendants' motion, see, e.g., June 14, 2012, Order, ECF No. 139; July 27, 2012, Order, ECF No. 158; Oct. 16, 2012, Order, ECF No. 184;

IT IS on this 23rd day of October 2012,

ORDERED that the Court will take no further action on defendants' October 18, 2012, letter; and it is further

ORDERED that the November 1, 2012, deadline for defendant to file a renewed motion to seal, set forth in the October 16, 2012, Order, remains in full force and effect; and it is further

ORDERED that any renewed motion to seal by defendants shall comply with L. Civ. R. 5.3 and cure the deficiencies identified in the Court's prior Orders; and it is further

ORDERED that the materials presently under seal shall remain under seal pending adjudication of defendants' renewed motion to seal.

s/ Michael A. Hammer

UNITED STATES MAGISTRATE JUDGE